IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
SECOND APPEAL NO.791 OF 2005

M/s.Kamat & Company and Dinkar Timappa Kamat .. Appellants
Versus
The Mangalwedha Municipality Mangalwedha, Dist. Solapur. .. Respondents

Mr.P.N.Karlekar for appellants
Mr.S.M.Oak for respondents

CORAM : P.V.KAKADE, J.

DATE : 1ST SEPTEMBER, 2005.

P.C.:

1. The appellants have preferred this appeal against the judgment and order passed by Addl. District Judge, Pandharpur dated 7.8.2003, who partly allowed the appeal to the extent of modification of the judgment and order passed by the lower court dated 30.9.1994 awarding future interest at the rate of 6% p.a. on the principal amount from the date of the suit till realisation.

2. I have heard the learned counsel for both the parties. Perused the record.

3. Without further elaboration I must note here that it is established law that so far as the future interest in any such dispute is concerned, it is discretion of the Court to award rate of interest and therefore, it need not be interfered with at the stage of second appeal. Both the courts below have come to the conclusion that the commercial transaction between the parties was in respect of interest @ 18% p.a., which was the rate of commercial bank at the relevant time and therefore, the interest at the rate of 18% p.a. was awarded till the date of the suit. However, so far as future interest is concerned the lower appellate court has come to the conclusion that the respondent no.1 is entitled future interest at the rate of 6% p.a. and not at the rate of 18% p.a., as alleged.

4. In this regard it must be noted that on request of the learned counsel for the appellants the matter was adjourned to explore possibility of settlement in respect of modification regarding rate of interest. However, it is found that such settlement could not fruetify. Under these circumstances, I do not see any merits in the appeal so far as legal aspects are concerned and as such the appeal stands dismissed with

no order as to costs.